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|  |   | Application Number     | 10/672,133       |
|  |   | Filing Date            | 9/26/03          |
|  |   | First Named Inventor   | Stephen A. Ewald |
|  |   | Art Unit               | 3625             |
|  |   | Examiner Name          | J. A. Smith      |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | 49663.21740      |

### ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application                            | <input type="checkbox"/> Landscape Table on CD                            |   |
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| Remarks  |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                       |          |        |
|--------------|-----------------------|----------|--------|
| Firm Name    | Carlton Fields, P. A. |          |        |
| Signature    |                       |          |        |
| Printed name | Lance D. Reich        |          |        |
| Date         | 6/29/05               | Reg. No. | 42,097 |

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Lucille Golden-Blakey

Date

6/29/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: EWALD

Serial No. 10/672,133

Filed: 09/26/2003

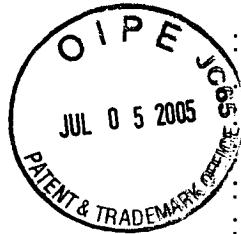
For: SYSTEM AND METHOD FOR  
PURCHASING LINKED WITH  
BROADCAST MEDIA

Group Art Unit: 3625

Examiner: Smith, J.

Confirmation No. 6111

Attorney Docket No. 49663.21740



**INTERVIEW SUMMARY PURSUANT TO 37 C.F.R. §1.133**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant acknowledges with thanks the telephonic interview granted by the Examiner with undersigned counsel on June 24, 2005. In the interview, the Applicant requested reconsideration of the Final Rejection of Claims 1-19 in the Office Action dated June 2, 2005. Specifically, the Applicant requested reconsideration of the position in the Office Action that *Kesling, et al.* (US Patent Application Publication No. 2002/0132575A1), as incorporating US Patent Application Serial No. 09/461,699, anticipates the claims under 35 U.S.C. §102(e), and specifically discloses the claimed element of a "purchase request" wherein a user of the broadcast receiver makes a purchase selection based upon goods or services advertised or being played upon the broadcast receiver and the purchase request is completed. The Office Action specifically relies upon one sentence from *Kesling, et al.*, which states that: "The listener might even complete the transaction using radio 20, which, since it includes the high power wireless transceiver, can function as a traditional text pager." (citing Para.

[0066]), for the proposition that *Kesling, et al.*, discloses a “purchase request” as claimed.

Applicant traverses such interpretation, and submits that *Kesling, et al.*, even with the incorporated material, does not disclose a purchase request as further action is required from the user after selecting information about a good or service at the broadcast receiver of *Kesling, et al.* Thus, such request in *Kesling, et al.*, is better described as an “information request” because the purchase has not been made once the request selection is made at the broadcast receiver. In contrast, the present invention does not require any further interaction once the purchase request is made.

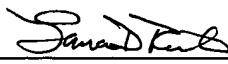
Applicant therefore argued and maintains that *Kesling, et al.*, simply does not disclose this element of Claims 1-19, and cannot anticipate them. Moreover, Applicant argued and maintains that even assuming *arguendo* *Kesling, et al.*, suggests that the purchase transaction can be completed at the broadcast receiver, the cited sentence in support thereof is not enabling. In disagreement with Applicant’s arguments, the Examiner maintained the position that *Kesling, et al.*, discloses a “purchase request” as claimed, and accordingly, an agreement as to the ultimate patentability of the claims was not reached.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 03-0683.

Respectfully submitted,

Stephen A. Ewald

By his Representatives,



Date 29 June 2005

Lance D. Reich

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Lucille Golden-Blakey